

Notice Regarding I-9 Documentation Requirements for
Hiring Hurricane Victims
October 21, 2005

On September 6, 2005, the Department of Homeland Security (DHS) announced that for a period of 45 days it would refrain from initiating employer sanction enforcement actions with regard to individuals who were unable to provide identity and eligibility documents as a result of Hurricane Katrina. Employers were advised to complete Employment Eligibility Verification (I-9) Forms to the extent possible, but to note in applicable cases that some or all of the required documentation was not available due to events involving the hurricane.

Forty-five days have now passed and employers are expected to fully complete the Form I-9 for recently hired victims of Hurricane Katrina who were previously unable to provide proper documentation. At this point in time, individuals should have been able to replace required documents, or demonstrate that they have applied for these documents from relevant agencies. It should be noted that persons returning to positions of employment held prior to Hurricane Katrina do not need to demonstrate employment eligibility because they are not considered new hires.

Consistent with long-established enforcement practice, DHS will continue to exercise prosecutorial discretion on a case-by-case basis. DHS investigators will take into account the totality of the circumstances related to an individual worker's inability to obtain documents and an employer's actions to ensure compliance with the requirements of Section 274A of the Immigration and Nationality Act. Employers who have made reasonable, good faith efforts to comply with existing requirements, but are still unable as of October 21, 2005, to complete the required information, should note with specificity on the Form I-9 what steps they have taken to verify employment eligibility.

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